

The Gazette of India

EXTRAORDINARY
PART II—Section 3
PUBLISHED BY AUTHORITY

[No. 59] NEW DELHI, THURSDAY, MARCH 20, 1952

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 20th March 1952

S.R.O. 527.—In exercise of the powers conferred by section 21 of the Presidential and Vice-Presidential Elections Act, 1952 (XXXI of 1952), the Central Government, after consulting the Election Commission, hereby makes the following rules:—

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS RULES, 1952

CHAPTER I

Preliminary

1. **Short title.**—These rules may be called the Presidential and Vice-Presidential Elections Rules, 1952.

2. **Definitions.**—In these rules—

(a) "Form" means a Form annexed to these rules:

(b) "section" means a section of the Act;

(c) "the Act" means the Presidential and Vice-Presidential Elections Act, 1952.

CHAPTER II

Nomination of Candidates

3. **Notice of intended election.**—On the issue of a notification under sub-section (1) of section 4, the Returning Officer for the election shall give public notice of the intended election in Form 1, and cause it to be published in such manner, in such language or languages and in such places as the Election Commission may direct.

4. **Presentation of nomination papers.**—(1) On, or before the date appointed under clause (a) of sub-section (1) of section 4, each candidate shall either in person or by his proposer or seconder, between the hours of eleven in the forenoon and three in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the public notice a nomination paper completed in Form 2 in the case of a Presidential election, and in Form 3 in the case of a Vice-Presidential election, together with a certified copy of the entry relating to the candidate in the electoral roll for the Parliamentary constituency in which he is registered.

(2) Any nomination paper which is not received before three O'clock in the afternoon on the last date appointed under clause (a) of sub-section (1) of section 4 or to which the certified copy referred to in sub-rule (1) of this rule is not attached shall be rejected.

(3) No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at any election.

(4) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election.

5. Procedure on receipt of nomination papers.—On the presentation of a nomination paper, the Returning Officer shall—

- (a) sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number;
- (b) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of nominations; and
- (c) cause to be affixed in some conspicuous place in his office a copy of the nomination paper as certified and numbered under clause (a) of this rule.

6. Scrutiny of nominations.—(1) The candidates, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, shall be entitled to be present at the time of scrutiny of nominations; and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 4.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The Returning Officer may, either on such objection or on his own motion, and after such summary inquiry, if any, as he thinks necessary, reject a nomination paper on any of the following grounds, namely:—

- (a) that the candidate is not eligible for election as President or Vice-President, as the case may be, under the Constitution; or
- (b) that the proposer or seconder is not qualified to subscribe a nomination paper under sub-section (2) of section 5; or
- (c) that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or
- (d) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character; or
- (e) that the proposer or seconder has subscribed, whether as proposer or seconder, another nomination paper received earlier by the Returning Officer at the same election.

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-section (1) of section 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case an objection is made, the candidate concerned shall, if he so requires, be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date on which the proceedings have been adjourned.

(5) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

7. Notice of withdrawal of candidature.—(1) A notice of withdrawal of candidature under sub-section (1) of section 6 shall be in Form 4.

(2) on receipt of such notice, the Returning Officer shall note thereon the date on which and the hour at which it was delivered, and cause a copy thereof, together with the note, to be affixed in some conspicuous place in his office.

8. Publication of nominations.—In every case in which a poll is to be taken under clause (b) of section 8, the Returning Officer shall, immediately after the expiry of the period within which candidature may be withdrawn under sub-section (1) of section 6,—

- (a) prepare in Form 5 a list of valid nominations containing the names in alphabetical order and addresses of the validly nominated candidates as given in the nomination papers;
- (b) cause the list to be published in the Gazette of India and in such other manner as the Election Commission may direct; and
- (c) cause a copy of the list to be affixed in some conspicuous place in his office.

CHAPTER III

The Poll

9. Fixing place and time of polling for Presidential election.—At every Presidential election where a poll is to be taken, the Election Commission shall—

- (a) fix a place of polling in the Parliament House in New Delhi, and also in the premises in each State in which the Legislative Assembly if any, of that State meets for the transaction of business;
- (b) specify with reference to each such place of polling the group of electors who will be entitled to vote, and the hours during which the poll will be taken, at such place; and
- (c) give due publicity to the places so fixed and the groups of electors and the hours so specified.

10. Fixing place and time of polling for Vice-Presidential election.—(1) At a Vice-Presidential election the poll shall, where necessary, be taken at a joint meeting of the members of both Houses of Parliament which shall be held in the Parliament House at New Delhi.

(2) The Election Commission shall fix the hours at which the joint meeting shall begin and end, and give due publicity thereto in such manner as it thinks fit.

11. Presiding and polling officers.—(1) The Returning Officer or such Assistant Returning Officer as may be specified in this behalf by the Election Commission shall conduct the poll at each place of polling. Every such officer is hereinafter referred to as the presiding officer.

(2) The presiding officer may appoint such polling officer or officers as he thinks necessary to assist him in taking the poll, but he shall not so appoint any person who has been employed by, or on behalf of, or has been working for, a candidate in or about the election.

12. Ballot Papers.—(1) Every presiding officer shall be supplied with a sufficient number of ballot papers specially prepared for the election by the Election Commission.

(2) The names of the candidates shall be printed on the ballot paper in the same order as in the list of valid nominations published under rule 8.

13. Ballot boxes.—Every ballot box used at the poll shall be of a design previously approved by the Election Commission.

14. Procedure before the commencement of poll.—(1) The presiding officer shall, immediately before the commencement of the poll, allow inspection of the ballot box to be used at the poll to such candidates and authorised representatives of candidates as may be present at the place of polling.

(2) The presiding officer shall then secure and seal the box in such manner that the slit for the insertion of ballot papers remains open, and shall also allow such candidates and authorised representatives of candidates as may be present to affix their own seals, if they so desire.

15. Admission to the place of polling.—(1) The presiding officer shall exclude from the place of polling all persons except—

- (a) the polling officers and other public servants on duty;
- (b) the candidates, and one representative authorised in writing by each candidate;
- (c) the electors; and
- (d) such other persons as the presiding officer may from time to time admit for the purpose of assisting him in taking the poll.

(2) The presiding officer shall close the place of polling at the hour fixed under clause (b) of rule 9 or, as the case may be, under sub-rule (2) of rule 10, for the close of the poll or of the joint meeting, and shall not admit therein any elector after that hour:

Provided that all electors present at the place before it is so closed shall be entitled to have their votes recorded.

16. Procedure for giving ballot papers.—The polling officer shall be furnished with an authentic list or part thereof of the electors entitled to vote at the place of polling.

(2) Immediately before a ballot paper is delivered to an elector, a mark shall be placed against his name in that list, and the number of the elector as shown in that list shall be entered on the counterfoil of the ballot paper.

(3) The elector shall sign his name in the list in token of receipt of the ballot paper, whereupon, but not earlier, the ballot paper shall be delivered to him.

17. Supply of fresh ballot paper in certain circumstances.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

(2) Any ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

18. Return of unused ballot papers by electors.—If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer, who shall mark it "Returned and cancelled" and keep it in a separate envelope set apart for the purpose.

19. Manner of recording votes.—(1) Every elector shall have as many preferences as there are candidates, but no ballot paper shall be considered invalid solely on the ground that all such preferences are not marked.

(2) An elector in giving his vote—

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate whom he chooses for his first preference; and

(b) may, in addition, mark as many subsequent preferences as he wishes by placing on his ballot paper the figures 2, 3, 4 and so on, in the spaces opposite the names of other candidates in order of preference.

(3) The presiding officer shall, if requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

20. Sealing up of ballot boxes and papers after the close of poll.—(1) As soon as practicable after the close of poll the presiding officer shall, in the presence of such candidates and authorised representatives of candidates as may be present, close and seal up the slit as well as the ballot box.

(2) He shall also make up into separate packets—

(a) the copy of the list of electors marked in accordance with rule 16;

(b) the counterfoils of ballot papers;

(c) the ballot papers cancelled under rules 17 and 18; and

(d) the unused ballot papers.

and seal each such packet with his own seal and the seals of those candidates and authorised representatives of candidates who may desire to affix their seal thereon.

21. Despatch and custody of ballot boxes and papers.—(1) At a Presidential election, the presiding officer at every place of polling other than the Parliament House in New Delhi shall forthwith cause the sealed ballot box and packets and all other papers used at the poll to be sent to the Returning Officer in accordance with such general or special instructions as may be issued in that behalf by the Election Commission.

(2) The Returning Officer shall make adequate arrangements for the safe custody of all sealed ballot boxes and packets and other papers used at the poll, until the commencement of the counting of votes.

22. Adjournment of poll in emergencies.—(1) If the proceedings at any place of polling are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any such place on account of a natural calamity or other sufficient cause, the presiding officer shall announce an adjournment of the poll to a date to be notified later, and immediately report the circumstances to the Election Commission and, unless he is the Returning Officer, also to the Returning Officer.

(2) Whenever a poll is adjourned under sub-rule (1), the Election Commission shall, as soon as may be, fix the day on which, the place at which, and the hours during which the adjourned poll shall be taken, and shall notify the said details to all concerned in such manner as it may think fit.

(3) On the date on which such adjourned poll is taken, the electors who have already voted at the poll before its adjournment will not be entitled to vote, but only the remaining electors who were entitled to vote at the place of polling before its adjournment may vote.

23. Fresh poll in case of destruction etc. of ballot boxes.—(1) If at an election, any ballot box is unlawfully taken away from the custody of the officer-in-charge thereof or is in any way tampered with, destroyed or lost, only the poll taken at the place of polling where that ballot box was used shall be deemed to have been vitiated; and the Returning Officer shall, as soon as practicable, report the matter to the Election Commission, which shall appoint a day for the taking of a fresh poll at that place and fix the hours during which it will be taken.

(2) In every such case as afore-said, the provisions of these rules shall apply to the fresh poll as they apply to the original poll.

24. Voting by electors under preventive detention.—(1) Notwithstanding anything in the foregoing provisions of this Chapter, an elector at a Presidential election may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot.

(2) The Election Commission shall send by registered post to the officer in charge of the jail or other place where such elector is detained the appropriate ballot paper, together with a form of declaration of identity and attestation of signature and necessary envelopes specially prepared for the purpose and a letter of instructions, so as to reach that officer in good time before the date fixed for polling.

(3) On the date of polling the said officer shall deliver the ballot paper and other necessary papers to the elector, allow him all reasonable facilities and sufficient time, not exceeding two hours, for recording his vote in accordance with the instructions of the Election Commission, and if and when the elector has so recorded his vote, send the ballot paper and other connected papers in a sealed cover, either by registered post or through a special messenger, to the Returning Officer so as to reach him before the time fixed for the counting of votes under rule 25.

(4) It shall be the duty of every Government to intimate to the Election Commission at the appropriate time the names of electors, if any, who are subjected to preventive detention by or under the authority of that Government, together with the necessary particulars as to their places of detention.

CHAPTER IV

Counting of Votes and Declaration of Results.

25. Place and time for counting of votes.—The counting of votes shall take place at the office of the Returning Officer in New Delhi on such day and at such time as the Election Commission may appoint in this behalf and the Election Commission shall give notice to all the candidates of the date and time so appointed.

26. Reading of section 22.—Before the counting begins, the Returning Officer shall read the provisions of section 22 to the persons present.

27. Statement showing the number of votes of each elector at the Presidential election.—For the purposes of every Presidential election, the Election Commission shall furnish the Returning Officer with a statement showing the number of votes which every elector has under the provisions of clause (2) of article 55; and every valid ballot paper put in by an elector at that election shall be deemed to represent as many votes as that elector is shown as having in that statement.

28. Ballot papers when invalid.—(1) A ballot paper shall be invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is marked opposite the name of more than one candidate or is so marked as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure 1 and some other figure are marked opposite the name of the same candidate; or
- (d) any mark is made by which the elector may afterwards be identified.

(2) A ballot paper shall also be invalid if, being a postal ballot paper, the signature of the elector is not duly attested.

29. Procedure upon opening each ballot box.—After each ballot box, and in the case of a Presidential election, also each sealed cover (if any) received under sub-rule (3) of rule 24, has been opened, the Returning Officer shall—

- (a) count the number of ballot papers taken out therefrom and record it in a statement;
- (b) scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter the word "rejected" and the ground of rejection; and
- (c) arrange all the valid ballot papers in parcels according to the first preferences recorded for each candidate.

30. Determination of result.—After all the ballot boxes and sealed covers (if any) have been opened and the ballot papers have been scrutinised and arranged, the Returning Officer shall proceed to determine the result of the voting in accordance with the instructions contained in the Schedule to these Rules.

30. Recounting.—The Returning Officer may, either on his own initiative or at the instance of any candidate or of the authorised representative of a candidate in the absence of that candidate, recount votes, whether once or more than once, when the Returning Officer is not satisfied as to the accuracy of a previous count:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

32. Declaration of result.—(1) When the counting is complete and the result of the voting has been determined, the Returning Officer shall forthwith—

- (a) announce the result to those present;
- (b) report the result to the Central Government and the Election Commission under section 12;
- (c) prepare and certify a return of the election in Form 6; and
- (d) seal up in separate packets the valid ballot papers and the rejected ballot papers and record on each such packet a description of its contents.

(2) The Returning Officer shall, as soon as may be thereafter, forward the certified return to the Election Commission.

CHAPTER V

Miscellaneous

32. Custody of ballot boxes and election papers.—All ballot boxes used at the election and the packets of ballot papers and all other papers relating to the election shall, after the election, be kept in such custody as the Election Commission may direct.

34. Production and inspection of election papers.—(1) The packets of ballot papers, whether valid or rejected, and their counterfoils and the packets containing the lists of electors marked in accordance with rule 16 shall not be opened, nor shall their contents be inspected by, or produced before, any person or authority, except under the order of the Supreme Court or other competent court.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

35. Disposal of election papers.—The packets and other papers referred to in rule 34 shall be retained for a period of two years from the date of declaration of the result of the election, and shall thereafter be destroyed unless a direction to the contrary is given by the Supreme Court or other competent court or by the Election Commission.

36. Copies of return of election.—Copies of the certified return of the election referred to in rule 32 shall be furnished by the Election Commission on payment of a fee of one rupee per copy.

37. Lists of electors.—The Election Commission shall maintain—

- (a) a list of members of the electoral college referred to in article 54 with their addresses corrected up to date for the purposes of Presidential elections; and
- (b) a list of members of both Houses of Parliament with their addresses corrected up to date for the purposes of Vice-Presidential elections.

FORM 1

(See rule 3)

PUBLIC NOTICE

of

Election to the office of President of India.
Vice-President

Whereas a notification under sub-section (1) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, for the holding of an election to fill the office of President/Vice-President of India has been issued, I the Returning Officer for such election, do hereby give notice that—

- (i) nomination papers may be delivered to the undersigned at his office in New Delhi, or, if he is unavoidably absent, to at the said office between 11 A.M. and 3 P.M. on any day not later than the
- (ii) forms of nomination paper may be obtained from the said office during office hours on any working day;
- (iii) the scrutiny of nomination papers will take place at the said office on..... (date) at..... (hours).

(Signature).....

(Designation).....

NEW DELHI,

Dated the.....

FORM 2

[See rule 4(1)]

NOMINATION PAPER

Election to the office of the President of India

We hereby nominate.....
(Full name and address of candidate)

as a candidate for election to the office of the President of India.

We have verified, and do hereby declare, that the said candidate has completed the age of 35 years and is registered in the electoral roll of the Parliamentary constituency of..... in the State of..... A certified copy of the entry in that electoral roll relating to the said candidate is attached.

We further declare that both of us are members of the electoral college referred to in Article 54 of the Constitution, the proposer being an elected member

House of the People/Council of States from
of the of

the State of and the seconder being an elected

House of the People/Council of States from
member of the of the State of.....
Legislative Assembly

Signature of Proposer

Date.....

Signature of Seconder

Date.....

I assent to this nomination.

Signature of candidate.

Date.....

FORM 3

[See rule 4(1)]

NOMINATION PAPER

Election to the office of the Vice-President of India

We, the undersigned Members of Parliament, hereby nominate

(Full name and address of candidate)

as a candidate for election to the office of the Vice-President of India.

We have verified, and do hereby declare, that the said candidate has completed the age of 35 years and is registered in the electoral roll in the Parliamentary constituency of in the State of A certified copy of the entry in that electoral roll relating to the said candidate is attached.

Signature of Proposer

Date.....

Signature of Secondor

Date.....

I assent to this nomination.

Signature of candidate

Date

FORM 4

[See rule 7(1)]

NOTICE OF WITHDRAWAL

To

The Returning Officer for
the Election to the Office of President of India.
Vice-President

I, of a candidate at the above-mentioned election do hereby give notice that I withdraw my candidature.

Place

Date

Signature of candidate.

FORM 5

[See rule 8(a)]

LIST OF VALID NOMINATIONS

Election to the office of President of India.
Vice-President

Final list of candidates for election

Serial No.	Name of candidate.	Address of candidate.
1.		
2.		
3.		
4.		
etc.		

Place.....

Date.....

Returning Officer.

FORM 6

[See rule 32 (1) (c).]

RETURN OF ELECTION TO THE OFFICE OF THE PRESIDENT/VICE-PRESIDENT OF INDIA.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Serial No.	Name of candidate	Votes secured at first count.	Votes credited at first exclusion.	Total of columns 3 and 4	Votes credited at second exclusion.	Total of columns 5 and 6	Votes credited at third exclusion.	Total of columns 7 and 8	Votes credited at fourth exclusion.	Total of columns 9 and 10				
	Exhausted votes													
	Total													

Total number of valid ballot papers.....representing.....votes.

Total number of invalid ballot papers.....representing.....votes.

I declare that

(Name) _____

(Address) _____

has been duly elected to the office of the President/Vice-President of India.

Place _____

Date _____

Returning Officer.

SCHEDULE

Rule 30

Instructions for the Determination of Result

1. In this Schedule—
 - (1) the expression "continuing candidate" means any candidate not elected and not excluded from the poll at any given time;
 - (2) the expression "first preference" means the figure 1 set opposite the name of any candidate, the expression "second preference" similarly means the figure 2, the expression "third preference" the figure 3, and so on;
 - (3) the expression "next available preference" means the second or subsequent preference recorded in consecutive numerical order for a continuing candidate, preferences for candidates already excluded being ignored;
 - (4) the expression "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate;
 - (5) the expression "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall be deemed to be exhausted in any case in which—
 - (a) the names of two or more candidates whether continuing or not are marked with the same figure, and are next in order of preference, or
 - (b) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures.
2. Every ballot paper represents at each count—
 - (a) in a Presidential election, the number of votes as determined under rule 27, and
 - (b) in a Vice-Presidential election, one vote.
3. Ascertain the number of first preference votes secured by each candidate and credit him with that number.
4. Add up the numbers so credited to all the candidates, divide the total by the number of candidates, and add one to the quotient disregarding any remainder. The resulting number is the quota sufficient to secure the return of a candidate at the election.
5. If at the end of the first or any subsequent count, the total number of votes credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate is declared elected.
6. If at the end of any count, no candidate can be declared elected,—
 - (a) exclude the candidate who up to that stage has been credited with the lowest number of votes;
 - (b) examine all the ballot papers in his parcel and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of votes in each such sub-paragraph and credit it to the candidate for whom such preference is recorded, transfer the sub-paragraph to that candidate, and make a separate sub-paragraph of all the exhausted papers; and
 - (c) see whether any of the continuing candidates has, after such transfer and credit, secured the quota.

If, when a candidate has to be excluded under clause (a) above, two or more candidates have been credited with the same number of votes and stand lowest at the poll, exclude that candidate who had secured the lowest number of first preference votes, and if that number also was the same in the case of two or more candidates, decide by lot which of them shall be excluded.

All the sub-parcels of exhausted papers referred to in clause (b) above shall be set apart as finally dealt with and the votes recorded thereon shall not thereafter be taken into account.

[No. F 26(2)/52-C.]

K. V. K. SUNDARAM, Secy.